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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,398	04/19/2004	Chang-I Lin	MR2349-1011	9918
4586	7590	10/02/2007		
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER LEWIN, ALLANA	
			ART UNIT 3764	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/826,398

Applicant(s)

LIN, CHANG-I

Examiner

Allana Lewin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 1 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: the specification is replete with grammatical errors and requires revision. For example, on page 1, line 18, the phrase 'metallic spring 10a with recovery to an original state' is grammatically incorrect, as well as the phrase 'a user can have his arm muscle into physical training' on page 1, line 19. Such errors appear throughout the specification.

Appropriate correction is required.

### ***Claim Objections***

Claims 1 and 3 are objected to because of the following informalities: the phrase 'two handles *connecting* two ends of the resilient fiberglass sheet' (emphasis added) should presumably be --two handles *connected at* two ends of the resilient fiberglass sheet-- or --a handle connected at each end of the resilient fiberglass sheet-- as Applicant discloses the device having a handle at each end of the sheet, with the handles being separate from one another and not serving to join the ends of the sheet. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear what the recitation 'buffer materials' means, as Applicant has failed to sufficiently explain this in the specification or provide examples of such materials.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingardt (US Pat. No. 4,428,577) in view of Multanen et al. (US Pat. No. 5,897,471).

Weingardt discloses an apparatus comprising a resilient metal sheet (20); a covering (22, 24) wrapping the sheet; and two handles (18) connected at two ends of the sheet.

Weingardt teaches the sheet being steel and not fiberglass.

Multanen discloses an analogous device and teaches the use of a fiberglass core (20a) or a flexible metal core (20b), thereby establishing equivalence between the two

materials. The use of either fiberglass or flexible metal provides adequate resilience, strength and durability that is required by the device.

Therefore, based on the teachings of Multanen, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a fiberglass sheet instead of a metal sheet in the Weingardt device since the materials are known to function and perform equally well.

Regarding claim 2, Weingardt discloses the covering as a protective cushion comprising a foam rubber body (22) encased in a protective cloth cover (24) so as to protect the user from injury (column 2, lines 9-15), which, as best understood, comprehends Applicant's 'buffer materials'.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uen (US Pat. No. 5,569,137) in view of Tuller (US Pat. No. 6,939,277) and Strachan (US Pat. No. 5,842,956).

Uen substantially discloses the claimed invention comprising a resilient member (3); a covering (32); two handles (4) each comprising a fitting section (41), which, absent further limitation, comprehends Applicant's 'connecting portion'; and, as broadly recited, two 'extension rope adjustable devices' arranged correspondingly with the handles (note Figure 2), including a protective member (42), which, as broadly recited, comprehends Applicant's 'engaging block', a clip (52), or 'regulator', a shackle (51) or 'mat', as best understood, and a retractable rope (5) as the rope can be pulled out and stretched and then retracted due to its elasticity, and is therefore also capable of

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expansion and contraction. As seen in Figure 2, the rope connects to the 'regulator' and penetrates through the 'regulator' and 'mat' to the 'engaging block', with the 'engaging block' accommodating with 'connection portion', as broadly recited.

Uen fails to disclose the resilient member as a fiberglass sheet, and teaches the rope as a single, unitary element rather than separate portions.

Tuller discloses an exerciser utilizing a resilient member (4), and teaches that the resilient member can be any suitable material, such as fiberglass or a coil spring, so long as it produces a force upon bending and returns to its original shape and position when the force is released (column 4, lines 38-44).

Additionally, Strachan discloses an exercise device and teaches the use of separable elastic rope sections (note Figure 6). Such a configuration facilitates easy adjustment of the device, as well as convenient separation for transport and storage.

Therefore, based on the teachings of Tuller, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a fiberglass sheet in the Uen device as such a modification would render a functionally equivalent device. Furthermore, based on the teachings of Strachan, it would have been obvious to an artisan of ordinary skill at the time of invention to have utilized separate rope sections, with each rope adjustable device having its own rope portion, in order to optimize adjustability and portability.

Regarding claim 4, Uen teaches the covering (32) being made of foamed rubber (column 1, lines 59-61), which, as best understood, comprehends Applicant's 'buffer materials'.

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**Conclusion**

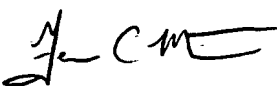
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the list of references cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cary O'Connor can be reached on 571-272-4838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL   
September 27<sup>th</sup>, 2007

  
**FENN C. MATHEW**  
**PRIMARY EXAMINER**